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CJP Afridi urged to convene moot on 27th Amendment

Lawyers express resolve to resist controversial tweaks, erosion of judiciary's independence

By Nasir Iqbal

ISLAMABAD: Justice Athar Minallah has implored Chief Justice Yahya Afridi to consider convening a judicial conference to have institutional dialogue with all superior judges for safeguarding the independence of the judiciary.

In his letter to the CJP, Justice Athar Minallah proposed a candid and open discussion on the state of the judiciary, the challenges to its independence, and the steps necessary to reclaim the people's trust, saying it had become inevitable.

The judiciary is at a perilous crossroads and the truth must be spoken at this moment of reckoning, Justice Minallah observed, adding that the need for introspection was undeniable at this critical juncture. And silence in the face of systemic erosion of judicial independence would only amount to complicity, Justice Minallah cautioned.

Earlier, senior puisne judge Syed Mansoor Ali Shah and a number of retired judges and senior counsel sent letters to the CJ seeking a full court meeting for the independence of the judiciary.

Structure of judiciary

The declared object of amending the Constitution includes a desire to change the structure of the judiciary, Justice Minallah feared, adding that let the convening of the judicial convention be an opportunity for truth and reconciliation within the institution so that "we have an opportunity to acknowledge our collective shortcomings.

"It is our duty to ensure that future generations inherit a judiciary that stands unwaveringly with the Constitution, the people and the promise of justice, the letter said.

It is our humble conviction that the judiciary's foremost duty of loyalty lies not in self-preservation nor in deference to power but in allegiance to the people and to the Constitution, it added.

Justice Minallah also highlighted that jurisprudence had too often bowed before power and might instead of standing on the side of the people. He highlighted the removal and execution of former prime minister Zulfikar Ali Bhutto, saying it "remains one of the gravest and most unpardonable betrayals of our oath and of the people's trust".

He further said that the persecution of Benazir Bhutto by "unelected elements" within state institutions and the disqualification of Nawaz Sharif and the harassment of him and his daughter were a "continuation of a pattern of suppression of the people's will when the interests of the unelected elite were threatened".

Lawyers' opposition

Similarly, former Supreme Court Bar Association (SCBA) presidents namely Hamid Khan, Muneer A. Malik, and Abid Shahid Zuberi, in a media interaction, called upon the lawyers, civil society, the media, and every citizen to rise and join a decisive nationwide movement to restore the Constitution and protect the independence of the judiciary.

They categorically rejected the 26th as well as the 27th amendments, particularly the proposed Federal Constitutional Court, stating it was an illegal creation designed to hijack constitutional interpretation and neutralise judicial independence.

Meanwhile, some 145 lawyers in a representation condemned the 27th Amendment and called upon the authorities to put an end to the repeated tampering of the Constitution.

We stand ready to take all necessary legal steps, including peaceful protests, to safeguard the independence of the judiciary and protect the rights of all citizens, the letter said.

Judiciary bulldozed, false gods created by controversial legislation, says TTAP

• Opposition alliance vows to step up efforts against controversial amendment • PTI leader alleges senators were pressurised to vote in favour of the bill

By Ikram Junaidi

ISLAMABAD: Leaders of Tehreek Tahafuz Ayeen-i-Pakistan (TTAP) on Tuesday claimed that false gods have been created through the 27th Constitutional Amendment.

They also alleged that the false gods, created through the Amendment, have nefarious plans and that those who voted in its favour will suffer the most.

Speaking at a press conference held at the National Press Club, the opposition alliance leaders said that the judiciary has been completely bulldozed and warned that there will be dangerous implications as some personalities have become above the law. They announced that they would step up their efforts to resist and repeal the controversial amendment.

Majlis Wahdat-i-Muslimeen (MWM) Chairman Senator Allama Raja Nasir Abbas said that the Constitution of Pakistan makes it clear that sovereignty rests with Allah alone. However, through the amendment, human beings have been made gods.

He said that the President of Pakistan has been granted complete impunity, while, on the other hand, the judiciary has been controlled.

He alleged that by passing the amendment, the government has ignored public opinion. However, he announced that the TTAP will not remain silent over the amendment, which he described as nothing but an attack on the rule of law.

Pakistan Tehreek-i-Insaf (PTI) Secretary General Salman Akram Raja condemned the passage of the amendment in haste and alleged that the senators were pressurised to vote in its favour.

He claimed that the judiciary has become toothless because of the amendment. On the other hand, the President and the Army Chief have been given impunity, and they will not be accountable for any action, even in cases of human rights abuses such as the abduction of people, he explained.

PTI leader Sardar Latif Khosa, who was once an activist of the Pakistan Peoples Party, criticised the priorities of the government, claiming that it was working on the amendment rather than mourning the demise of Senator Irfan Siddiqui. He alleged that the haste of the government showed that it had no regard for the Constitution and human dignity.

Advocate Khosa claimed that the amendment will make the Chief Justice powerless and that political interference in the courts will further increase. He said that if judges decide cases against the government, they will be transferred, and those who follow government directives will be rewarded.

Former Senator Mustafa Nawaz Khokhar said that there is a general opinion among the masses against the 27th Amendment. He called upon the institutions to hear the voice of the people. He warned that the amendment will destroy the foundation of democracy and urged the judiciary to intervene and protect its own independence.

Mr Khokhar said that the impunity given to the President and the Army Chief will set a dangerous precedent and will deprive people of their right to seek justice in cases of abuse of power. "So it is a threat to the Constitution and democracy," he added.

KKH landslide buries six vehicles, sweeps two into river

Travellers managed to abandon their vehicles in time

By Jamil Nagri

GILGIT: A landslide hit the Karakoram Highway (KKH) near the Gonarfarm area in the Chilas city of Diamer district on Tuesday, burying six vehicles under debris and sweeping two others into the Indus River. No casualties were confirmed.

Diamer Deputy Commissioner Ataur Rehman Kakar said the area is prone to frequent landslides.

He added that all passengers and drivers managed to leave their vehicles and move to safety before the debris hit.

The incident came a day after landslides had already blocked the highway, suspending traffic. The Frontier Works Organisation (FWO) reopened the route for light traffic on Monday, but another landslide hit the aera while clearance work was underway on Tuesday.

Rescue teams comprising the local administration, police and volunteers reached the site soon after the incident.

Three of the buried vehicles were recovered, while efforts were under way to retrieve the remaining ones.

An emergency was declared at government hospitals in Chilas, but officials confirmed that no loss of life was reported.

EFFORTS are underway to retrieve the vehicles in Chilas.—Dawn

Traffic on both sides of the KKH remained suspended for several hours before being restored for one-way movement.

CLIMATE BYTE

Saarc can drive climate action if revived: Bangladesh minister

Dawn speaks to Rizwana Hasan, who calls for transparency in climate finance and an end to debt-based funding

By Zaki Abbas

CLIMATE Minister Rizwana Hasan

ISLAMABAD: As countries discuss climate finance and goals at COP30 in Belem, Brazil, *Dawn* is speaking to experts to answer questions on people's minds about climate change negotiations.

In this conversation, Bangladesh's Climate Minister Rizwana Hasan explains the hurdles in climate talks, the insufficient climate finance for Global South countries, and regional approaches to finding homegrown solutions.

Speaking on the sidelines of the SDPI's 28th Sustainable Development Conference in Islamabad, Ms Hasan stressed the need to revive Saarc, scale up climate finance and speed up efforts to reduce climate emissions.

Q. Do you think regional forums like Saarc can play a role in tackling climate change?

I think Saarc has great potential. Both in terms of pushing the development agendas of different countries in the region and pooling common resources and also in tackling climate change. There are many resources that we share — for example, water. So if, in the face of climate change, Saarc countries could come up and take a common regional river management or shared water management policy that is climate-sensitive, that would be a major step towards climate adaptation.

There are some countries in Saarc that do not take the same degree of interest in the forum's proceedings. So, while some countries may take their time to actively engage in Saarc, other countries that are ready to cooperate should come forward.

Q. Is Bangladesh working with regional countries to address climate change?

On climate change, Bangladesh is actually working with Nepal and Bhutan because the three Saarc countries will become middle-income countries at around the same time. The challenges we will face in accessing the climate fund will therefore be the same.

That's why we have already started contacting and working with these two countries so that we can take a common position in climate negotiation forums for accessing the climate fund, as well as other concessional grants and technological assistance.

Summit of delivery: Editorial on Page 6

Q. The Global North is asking for compliance with emission reduction targets, while the Global South nations are asking for finance in order to meet their climate goals. Is there a middle ground?

Emissions reduction is our choice. It was not mandatory for us under the UNFCCC and Kyoto Protocol. Under the Paris Agreement, it is also not mandatory. It creates a high ethical ground for countries, but the amount of emissions we generate is negligible in the global context.

But for the sake of our own people, we need to reduce emissions. We need to keep our air pure, and there are so many options to switch to safer alternatives that there is no reason why we should continue in the old grey way of industrialisation and energy production. There are cost-effective ways, there are safer ways. We should simply switch to them because they prove to be not expensive in the long run. You may need an initial investment, but over time, it is very cost-effective.

I think Western countries should not be tagging compliance with adaptation support because that was not the intention of the UNFCCC. For most Saarc countries, our NDC commitments are partly unconditional and partly conditional. The unconditional ones are progressing well, but for the conditional ones, it is rather us who are putting the condition that "if you give us money, we will be able to mitigate better".

Q. What counts as climate finance, given that some development money has also been tagged as climate funding?

What we want is a clear definition of climate finance so that regular development assistance cannot be tagged as climate finance. The promise under the UNFCCC was new and additional funds, so it has to be new and additional. We are also requiring that it should not come to us as debt because that is creating double jeopardy for us. On the other hand, you are climate vulnerable; on the other hand, you are paying interest while being impacted by climate change. It is not our fault that we face these climate threats. It is because of the fault of those who are imposing this debt on us. So transparency in the climate finance is absolutely a must.

Q. Is Bangladesh going to access the loss and damage fund?

Bangladesh will surely come up with proposals. But $250m is what Bangladesh needs per year for adaptation based on UN calculations. So $250m as a total pot, to be shared with others, is not something that will meet Bangladesh's needs and it also does not fulfil the promises made by the developed countries when this fund was announced. It is grossly inadequate.

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